

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

FRIDAY, THE 2ND MARCH 2007 / 11TH PHALGUNA 1928

Bail Appl..No. 1282 of 2007()

ST.1308/2005 of J.M.F.C.-IV,KOZHIKODE

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: PETITIONER/ACCUSED

P.P.MOHANAN,
MUTHIRAPARAMBATHU HOUSE, POST KOYILANDY,
KOZHIKODE DISTRICT.

BY ADV. SRI.P.NARAYANAN

RESPONDENT: COMPLAINANT

STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SHRI P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 02/03/2007, ALONG WITH BA.NOS.1283/07 & 1284/07
THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

BAIL APPLICATION NO.1282/07, 1283/07 & 1284/07

DATED THIS THE 2nd DAY OF MARCH, 2007

O R D E R

The common petitioner in these applications for anticipatory bail is the common accused in S.T.No.1308/05, C.C.No.180/05 and S.T.No.998/05 on the file of J.F.C.M.-IV, Kozhikode for an offence punishable under section 138 of the Negotiable Instruments Act, 1881.

2. Consequent on the non-appearance of the petitioner in the above cases, non-bailable warrants of arrest are pending against the petitioner. The petitioner has a contention that he did not receive summons in any of the above cases.

3. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. There is no reason why the petitioner should not surrender before the Magistrate concerned and seek regular bail, after convincing the Magistrate about the alleged non-receipt of summons. Accordingly, if the petitioner surrenders before the Magistrate concerned and files applications for regular bail, within two weeks from today, the same shall be considered and disposed of, preferably on the same date on which such applications are filed, after examining the grievance of the petitioner that he did not receive summons in any of the cases.

This application is disposed of as above.

V.RAMKUMAR, JUDGE

dsn